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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,287	09/25/2003	Jeannine Desmond Griffiths	C6661(C)	7278

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UNILEVER INTELLECTUAL PROPERTY GROUP  
700 SYLVAN AVENUE,  
BLDG C2 SOUTH  
ENGLEWOOD CLIFFS, NJ 07632-3100

EXAMINER

RINEHART, KENNETH

ART UNIT PAPER NUMBER

3749

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/671,287

Applicant(s)

GRIFFITHS ET AL. *W*

Examiner

Kenneth B Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 6-9, 12-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furgal (4053992) in view of 2002/0078589. Furgal discloses A device for treating fabrics in a tumble dryer comprising a patch having a front side and a back side (25, fig. 1), wherein the back side has on it an adhesive for attaching the patch to an interior surface of a tumble dryer (col. 8, lines 35-46), wherein the front side is a carrier material that is impregnated with a fabric treatment composition and wherein the patch is attached to the interior surface of a tumble dryer door or back wall (fig. 4, col. 3, lines 25-30), whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle ... (col. 3, lines 5-12), A device according to claim 1 wherein the fabric treatment composition is selected from the group consisting of perfumes, anti-static agents, dye transfer inhibitors, whitening agents, enzymes, stain repellents, insect repellents, sunscreens, malodour reduction or elimination agents, stain removers, and wrinkle reducing agents (col. 6, lines 13-18), the device has an indicating means which indicates

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to the user when the device is either low or out of fabric treatment composition (col. 4, lines 30-33), the device is flexible (col. 5, line 15), A method of treating fabrics in a tumble dryer during multiple tumble drying cycles comprising attaching a device according to claim 1 to the inside of a tumble dryer door and carrying out a tumble drying process with fabrics inside the tumble dryer (fig. 3), a tumble dryer with a device according to claim 1 (fig. 3). Furgal (4053992) discloses applicant's invention substantially as claimed with the exception of the fabric treatment composition is present in an amount to be used for multiple tumble drying cycles. 2002/0078589 teaches the fabric treatment composition is present in an amount to be used for multiple tumble drying cycles (paragraph 65) for the purpose of providing a device that is easier to use and requires less time to apply. It would have been obvious to one of ordinary skill in the art to modify Furgal by including the fabric treatment composition is present in an amount to be used for multiple tumble drying cycles as taught by 2002/0078589 for the purpose of providing a device that is easier to use and requires less time to apply so that the consumer has more leisure time.

Claims 7-9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furgal (3634947) in view of 2002/0078589. Furgal discloses A device for treating fabrics in a tumble dryer comprising a patch having a front portion (51, fig. 3), a middle portion (47, fig. 3), and a back portion, wherein the back portion has on it an adhesive (col. 6, line 48) for attaching the patch to an interior surface of a tumble dryer door (49, fig. 3, The device is presently capable of performing this function.), the middle portion contains a carrier that is impregnated with a fabric treatment composition (47, 45, fig.3), and the front portion contains a flow control member or support member (51, fig. 3), and wherein the patch is attached to the interior surface of a tumble

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dryer door back wall whereby a portion of the fabric treatment composition is transferred onto fabrics in the tumble dryer as a result of contact between the patch and fabrics during a tumble drying cycle (The device is presently capable of performing this function), the fabric treatment composition is selected from the group consisting of perfumes, anti-static agents, dye transfer inhibitors, whitening agents, enzymes, stain repellents, insect repellents, sunscreens, malodour reduction or elimination agents, stain removers, and wrinkle reducing agents (col. 4, lines 49-52), the device has an indicating means which indicates to the user when the device is either low or out of fabric treatment composition (col. 4, lines 16), a tumble dryer with a device according to claim 7 (fig. 1). Furgal (3634947) discloses applicant's invention substantially as claimed with the exception of the fabric treatment composition is present in an amount to be used for multiple tumble drying cycles. 2002/0078589 teaches the fabric treatment composition is present in an amount to be used for multiple tumble drying cycles (paragraph 65) for the purpose of providing a device that is easier to use and requires less time to apply. It would have been obvious to one of ordinary skill in the art to modify Furgal by including the fabric treatment composition is present in an amount to be used for multiple tumble drying cycles as taught by 2002/0078589 for the purpose of providing a device that is easier to use and requires less time to apply so that the consumer has more leisure time.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

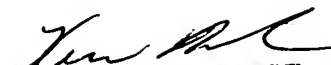
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBR

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KENNETH RINEHART  
PRIMARY EXAMINER